

**108-20/JJW**

**FREEHILL HOGAN & MAHAR, LLP**

*Withdrawing Attorneys for Bouchard Transportation  
Co., Inc. Barge B. No. 280 in rem and B. No. 280 Corp.*

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CADDELL DRY DOCK AND REPAIR CO., INC.,

**1:20-cv-00685-EK-LB**

Plaintiff,

-against-

BOUCHARD TRANSPORTATION CO., INC., *in personam*,  
BARGE B. NO. 280, *in rem*, and B. NO. 280 CORP., *in  
personam*,

Defendants.

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McALLISTER TOWING OF NARRAGANSETT BAY, LLC,  
McALLISTER TOWING OF NEW YORK, LLC, PORTLAND  
TUGBOAT, LLC and STEELSTRAN INDUSTRIES, INC.,

Intervening Plaintiffs,

-against-

BOUCHARD TRANSPORTATION CO., INC. *in personam* and  
BARGE B. NO. 280, *in rem*,

Defendants.  
-----X

**DECLARATION OF JOHN J. WALSH IN SUPPORT OF FREEHILL HOGAN &  
MAHAR LLP'S MOTION FOR LEAVE TO WITHDRAW AS COUNSEL TO  
BOUCHARD TRANSPORTATION CO., INC. BARGE B. NO. 280, *IN REM*, AND  
B. NO. 280 CORP., *IN PERSONAM***

**JOHN J. WALSH** hereby declares under penalty of perjury pursuant to 28 U.S.C 1746 the following:

1. I am an attorney duly admitted to practice before the Courts of the State of New York and before this Honorable Court. I am a partner in the law firm of Freehill Hogan & Mahar LLP (“Freehill”), counsel to Bouchard Transportation Co., Inc., *in personam*, Barge B. No. 280, *in rem*, and B. No. 280 Corp., *in personam*, in the captioned matter.

2. Freehill has been counsel of record in this matter and other matters in this District in which Bouchard Transportation and its affiliates and their vessels are defendants (“Bouchard entities”). Freehill entered an appearance in this matter on March 25, 2020. As part of Freehill’s representation of the Bouchard entities in this matter, Freehill has answered the Complaint and the Intervenor’s Complaint, filed a Statement of Interest in the arrested Vessel and attended several telephonic conferences before Magistrate Judge Bloom. This case remains in its early stages, and discovery is not yet closed.

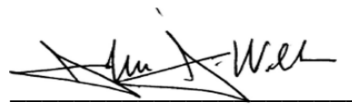
3. Freehill has since been discharged from representing Bouchard in connection with this matter and all other cases in this District in which the Bouchard entities are Defendants. In an email exchange on July 15, 2020, Morton S. Bouchard, III, the President and CEO of Bouchard Transportation Co., Inc., confirmed that the undersigned was to withdraw from representation of the Bouchard entities in this and all pending matters. A copy of the email exchanges is attached as **Exhibit A**. Freehill has accepted and agreed to the discharge by Bouchard and to Bouchard entities’ request that FHM withdraw as counsel of record in all pending matters including the instant case.

4. In connection with the services Freehill has performed in this matter, Bouchard has incurred \$6,422.14 in attorneys’ fees/costs (not including services performed in June and

July 2020.) Freehill invoiced Bouchard for these fees/costs in the ordinary course on March 31, 2020, April 30, 2020 and July 2, 2020. Bouchard has failed or refused to pay Freehill's invoices in this and other matters. Bouchard has not made any arrangements to pay same. In accordance with Local Rule 1.4, FHM claims a retaining lien.

5. At a Status Conference on July 15, 2020, before the Honorable Lois Bloom, I advised the Court of the discharge of Freehill and asked for a stay of 30 days to permit Bouchard to obtain new counsel. Judge Bloom was then advised by opposing counsel that the firm of K & L Gates would be substituting for the Freehill firm in this matter. The Court ordered Substitution of Counsel to be filed within 14 days. However, I later spoke to the partner at K & L Gates who is advising Bouchard on this and other matters and he advised me that it is not certain K & L Gates would be substituting as counsel in this matter. It therefore may not be possible to substitute counsel by July 29 and hence, this Motion. Accordingly, I ask the Court to reconsider my request to the Court that Bouchard be granted 30 days to obtain new counsel.

I hereby declare pursuant to 28 U.S.C. § 1746 that the foregoing is true and accurate to the best of my knowledge, information and belief under penalty of perjury.

  
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John J. Walsh

Dated: New York, New York  
July 20, 2020